

### **REMARKS**

In response to the non-final Office Action of December 21, 2010, independent claims 1, 20, and 29 have been amended in a manner which is believed to particularly point out and distinctly claim the invention. Each of these independent claims has been amended to particularly point out that the quality of service requirements of the first connection are based on the determined transmission resources to be used for said first connection and whether the quality of service requirements can be guaranteed when transmission resources for a transmission between said first entity and said second entity are jointly used by said first connection and, after establishment of said second connection, with said second connection. Support for this amendment is found in the original application as filed, including Figure 1 and the accompanying description in the specification, including page 23, line 7 through page 24, line 11. No new matter is added.

With this amendment to the independent claims, it is made clear that with regard to method claim 1, the establishing of a first connection between a first entity and a second entity includes the action of determining transmission resources to be used for said first connection before a second connection between said first entity and said second entity has been requested, as well as whether quality of service requirements of the first connection based on the determined transmission resources to be used for said first connection, can be guaranteed when transmission resources for a transmission between said first entity and said second entity are jointly used by said first connection and, after establishment of said second connection, with said second connection. With this amendment, the issue raised in section 3 of the Office Action is specifically addressed.

More particularly, in section 3, the Office in response to applicant's arguments filed on January 14, 2010 states "The claim does not require that the checking has to be with any specific load [current load], only it is required to check if the QoS can be maintained." As amended, it is made clear that the claimed method determines the transmission resources to be used for a first connection and that based on these determined transmission resources with respect to the first connection, a quality of service requirements is determined and, specifically, whether these quality of service requirements

can be guaranteed when transmission resources for a transmission between said first entity and said second entity are jointly used by said first connection and, after establishment of said second connection, with said second connection.

**Claim Rejections - 35 USC §103**

At section 9, the Office rejects claims 1, 4-9, 11-13, 18, 20-23, 28, 29, and 31-38 under 35 USC §103(a) as unpatentable over Naghian, WO 00/49824, in view of Eswara, US 6,219,554.

With respect to claim 1, it is asserted that Naghian discloses establishing a first connection between a first entity and a second entity, said establishing including determining transmission resources to be used for said first connection wherein the determining of transmission resources further comprises checking whether QoS requirements of said first connection that exists between said first entity and said second entity can still be guaranteed when transmission resources for a transmission between said first entity and a second entity are jointly used by said first connection and after establishment of said second connection, with said second connection (Naghian, page 6, lines 12-19 and 29-34). It is asserted that Naghian does not specifically disclose the checking before the request, but in an analogous art, the Office asserts that Eswara discloses checking before the request, with reference to the Abstract of Eswara. Therefore, it is asserted it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine this teaching for the purpose of avoiding delays to the user. Applicant respectfully disagrees.

Claim 1, as noted above, has been amended to specifically point out and claim that the quality of service (QoS) requirements of the first connection is based on the determined transmission resources to be used for said first connection. As amended, claim 1 recites checking whether the quality of service of the first connection can be guaranteed when the resources are jointly used by the first, and after establishment of said second connection, with said second connection and that this checking occurs while the

first connection is being established. Both, Naghian and Eswara fail to disclose this feature of claim 1.

Naghian discloses a method for admission control in a cellular telecommunication system. Bearer requests resulting in the load being under a first predetermined limit are admitted. If a bearer request would result in the load being over the first predetermined limit, the admission control entity tries to make room for the bearer request, i.e. release resources without degrading the QoS provided for the existing bearers (see Abstract). For this purpose, an admission control entity calculates a result load estimate based on the current load and the bearer request, wherein the resulting load estimate comprises the transmission, i.e. interference powers, of both existing bearer and the new bearer(s) (see Naghian, page 6, lines 12-15). Because the estimate in Naghian is based in part on the “current load,” it is clear that Naghian fails to disclose checking, while establishing the first connection (which in Naghian is the basis for the current load), whether QoS requirements of the first connection can still be guaranteed when transmission resources for a transmission between said first entity and said second entity are jointly used by said first connection and after establishment of said second connection, with said second connection.

Eswara is directed to Dynamic Frequency Association (“DFA”) techniques comprising “fixed channel allocation” (“FCA”) and distributed channel borrowing techniques using a segregation scheme. The DFA technique can be used autonomously to dynamically determine the best channels for a cell cluster. Additionally, a method of minimizing search delays at channel assignment by employing a channel usage history is disclosed. Each cell is assigned its nominal channels, if any, from the available frequency spectrum, with a fixed radio assigned to each of these frequencies, respectively. Additionally, each cell is equipped with one or more radios designated as “DFA radios.” In operation, idle DFA radios scan channels that may be borrowed from other cells, for example, in order to build a probability matrix (Eswara, Abstract; column 2, lines 33-44).

Eswara fails to disclose when allocating resources to a first connection, checking whether the QoS of the first connection can be guaranteed when the resource is to be

jointly used by the first and second connection. Rather, Eswara is directed to determining what channels are available at a particular cell site depending upon what channels are being used in adjacent sites. It is not seen how the availability of radio channels from adjacent cells has any suggestion with respect to modifying transmission resources between two entities when a second bearer request is made between these two entities, as disclosed in Naghian.

The Office asserts that Eswara discloses checking before the request and as noted at section 4 of the Action (Response to Arguments), “Eswara is only being relied to show to manage the resources proactively [before the request], because both references are directed to manage wireless resources they are analogous and brings to proactively manage the resources in Naghian.” However, even if combined in the manner as argued by the Office, the idea of Eswara “proactively” determining what channels are available at a particular cell site depending upon what channels are being used at adjacent sites (an idle DFA radios scan channels that may be borrowed in order to build a probability matrix; Eswara, Abstract) does not in any way suggest the feature of amended claim 1 wherein the quality of service requirements of the first connection are based on the determined transmission resources to be used for said first connection and determining whether these quality of service requirements can be guaranteed when transmission resources for a transmission between said first entity and said second entity are jointly used by said first connection and, after establishment of said second connection, said second connection.

Thus, in the present invention, the action of establishing a first connection between a first entity and a second entity is based on the determined transmission resources to be used for said first connection and that this is used during establishing a first connection between a first entity and a second entity before a second connection between said first entity and said second entity has been requested.

In view of the foregoing, it is therefore respectfully submitted that Naghian and Eswara fail to disclose or suggest claim 1 as amended.

Because amended independent claims 20 and 29 comprise similar subject matter to that of amended claim 1, it is respectfully submitted that claims 20 and 29 are also not obvious in view of Naghian and Eswara and are in allowable form.

Since each of the independent claims of the present application is believed to be allowable, it is respectfully submitted that the dependent claims thereto are also allowable at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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